
6 RELATIONSHIP OF THE PROPOSED ACTION TO FEDERAL, STATE, AND LOCAL PLANS, POLICIES AND CONTROLS

The implementation of the proposed action would comply with existing federal regulations and with state, regional, and local policies and programs. The federal acts, executive orders, and policies with which the proposed action must demonstrate compliance include:

- NEPA.
 - Clean Water Act.
 - Clean Air Act.
 - CERCLA and SARA.
 - Endangered Species Act.
 - National Historic Preservation Act.
 - Coastal Zone Management Act.
 - Executive Order 11990, Protection of Wetlands.
 - Executive Order 11988, Floodplain Management.
 - Executive Order 12898 and 13045, Environmental Justice and the Protection of Children
 - Other State and Local Plans and Policies
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6.1 NEPA

NEPA is the National Environmental Policy Act of 1969. This Environmental Assessment has been prepared in accordance with the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR Part 1500-1508) and Army Regulation (AR) 200-2, “Environmental Effects of Army Actions” at 32 CFR Part 651. Executive Order 11991 of May 24, 1977 directed the CEQ to issue regulations for procedural provisions of NEPA; these are binding for all federal agencies.

6.2 Clean Water Act

The Clean Water Act of 1977 (which amends the Federal Water Pollution Act of 1972) and subsequent amendments were designed to assist in restoring and maintaining the chemical, physical, and biological integrity of the nation's waters. The act covers the discharge of pollutants into navigable waters, wastewater treatment management, and protection of relevant

fish, shellfish, and wildlife. Congress also passed the Water Quality Act of 1987 to address the excessive levels of toxic pollutants still found in some waters.

The Proposed Action would not result in any increase in impermeable areas at the site. Because less than five acres (two hectares) would be disturbed by implementation of the Proposed Action, no VPDES permit would be needed. During construction, best management practices would be applied to minimize erosion and sedimentation.

6.3 Clean Air Act

The Clean Air Act (CAA) of 1955 and subsequent amendments specify regulations for control of the nation's air quality. Federal and state ambient air standards have been established for each criteria pollutant. The 1990 amendments to the CAA require federal facility compliance with all applicable substantive and administrative requirements for air pollution control. Under either the North Post Site or the South Post Site alternatives, there would be no violations of either the one-hour or the eight-hour CO standard as a result of increases in traffic volumes. An exceedance of the NAAQS was predicted for the 24-hour short-term SO₂ ambient level, based on a conservative estimate of emission rates and the preliminary design of the CEP boiler and emergency generator system. Mitigation measures for this impact are described in Subchapter 5.3.

Because Fort Belvoir is located in a serious ozone nonattainment area, a general conformity rule analysis was conducted according to the guidance provided by the USEPA in *Determining Conformity of General Federal Actions to State or Federal Implementation Plans* (November 30, 1993). The results of this analysis indicate that emission values under the Proposed Alternative would not exceed the *de minimis* criteria of 50 tpy (45 tpy) of VOCs or NO_x; therefore, a formal conformity determination is not required. Furthermore, the *Final State Implementation Plan Revision, Phase I Attainment Plan* (MWCOC, October, 1997) sets forth daily target levels of 362.9 tons per day (tpd) of VOCs and 637.1 tpd of NO_x for the Washington Metropolitan ozone nonattainment area (which includes Fairfax County). The increase in annual emissions would not make up ten percent or more of the available regional emission inventory for VOCs or NO_x and, therefore, would not be regionally significant.

6.4 CERCLA and SARA

In 1980, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was passed in order to provide a superfund for cleanup of sites with uncontrolled releases of hazardous substances. This program was continued in the Superfund Amendments and Reauthorization Act (SARA) of 1986. Section 211 of SARA provides continued authorization for the DoD Environmental Restoration Program and the Defense Environmental Restoration Account. Major responsibilities for monitoring compliance with these acts rest with

the USEPA. Implementation of the Proposed Action would not disturb hazardous materials or waste sites.

6.5 Endangered Species Act

The Endangered Species Act of 1973 and subsequent amendments provide for the conservation of threatened and endangered species of animals and plants, as well as the habitats in which they are found. The Proposed Action would have no adverse impact on threatened or endangered species or their habitats.

6.6 National Historic Preservation Act

The National Historic Preservation Act (NHPA) was passed in 1966 to provide for the protection, enhancement, and preservation of any property that possesses significant architectural, archaeological, historical, or cultural characteristics. Executive Order 11593 of 1974 further defined the obligations of federal agencies concerning this act. Section 106 of NHPA requires the head of any federal agency having direct or indirect jurisdiction over a proposed federal or federally financed undertaking, prior to the expenditure of any federal funds on the undertaking, to take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places.

There are no National Register listed or eligible resources at or near the project site. No adverse effects on cultural resources would result from implementing the Proposed Action.

6.7 Coastal Zone Management Act

Federal agencies are directed by Section 307(c)(1) of the Coastal Zone Management Act Reauthorization Amendment (CZMARA) to ensure that their actions be consistent with state CZM policies and programs to the maximum extent practicable. In Virginia, the Coastal Resource Management Program (CRMP) is based on application of policies and goals within a core of eight commonwealth regulatory programs, including Fisheries Management, Subaqueous Lands Management, Wetlands Management, Dunes Management, Nonpoint Source Pollution Control, Point Source Pollution Control, Shoreline Sanitation, and Air pollution Control. Compliance with and receipt of approvals from these programs implies consistency with CRMP requirements.

Coastal zone management impacts of the alternatives are described in Subchapter 4.1.3 of this EA. The Proposed Action would be consistent with the Virginia Coastal Resources Management Plan to the maximum extent practicable.

6.8 Executive Order 11990, Protection of Wetlands

This order of May 24, 1977 directs federal agencies to take action to protect wetlands on their property and mandates review of proposed actions on wetlands through procedures established by NEPA. There are no wetlands at the project site.

6.9 Executive Order 11988, Floodplain Management

This order sets forth the responsibilities of federal agencies in reducing the risk of flood loss or damage to personal property, minimizing the impact of flood loss, and restoring the natural and beneficial functions of floodplains. The order was issued in furtherance of the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The Proposed Action would have no adverse impact on floodplains.

6.10 Executive Orders 12898 and 13045, Environmental Justice and the Protection of Children

Signed on February 11, 1994, Executive Order (EO) 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, aims to prevent minority and low-income communities being disproportionately affected by the negative impacts on the environment of federal actions. Similarly, EO 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, signed on April 21, 1997, aims to prevent children being disproportionately affected by such impacts.

Both EOs are described in subchapter 4.2.3 As indicated there, the Proposed Action would not disproportionately affect minority or low-income communities, or children.

6.11 Other State and Local Plans and Policies

The Army pursues close and harmonious planning relations with local and regional agencies and planning commissions of adjacent cities, counties, and states for cooperation and resolution of mutual land use and environmentally-related problems. In addition, notification may be made to

state and regional planning clearinghouses as established pursuant to Executive Order 12372, *The Presidential Intergovernmental Review of Federal Programs*, signed on July 14, 1982.

In preparing this EA, information from relevant state, regional, and local agencies was reviewed for data on potential impacts of the Proposed Action and alternatives, including that of Fairfax County. The proposed action would be consistent with existing and future land use patterns and other applicable plans and policies.

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